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VISA INC., a Delaware corporation  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 THE WAVE STUDIO, LLC, a New York  
13 Limited Liability Corporation,

14 Plaintiff,

15 v.

16 VISA INC., a Delaware corporation, and  
DOES 1-100,

17 Defendants.  
18

Case No. 3:15-cv-000239-JSC

Honorable Magistrate  
Judge Jacqueline Scott Corley

**DECLARATION OF  
BRIAN MUMBY**

1 I, Brian Mumby, state the following:

2 1. I am the President of Kiwi Collection, Inc. (“Kiwi”). I make this declaration for  
3 and on Kiwi’s behalf. Unless expressly stated otherwise, I have personal knowledge of the facts  
4 set forth herein and I am competent to testify.

5 2. Kiwi is a British Columbia corporation whose headquarters are located in  
6 Vancouver, British Columbia. That is where I live and work. However, I am willing to travel to  
7 New York if needed, in connection with this case.

8 3. Kiwi has one of the largest collections of luxury hotels. Kiwi provides expert  
9 guidance to consumers on the best luxury hotels to book for a range of tastes and budgets, plus  
10 exclusive free perks and a best rate guarantee.

11 4. Kiwi provides travel related services to Visa card members through websites that  
12 allow Visa card members to select and book hotel reservations at selected hotels. Those websites  
13 include: <visasignaturehotels.com>, <visaluxuryhotels.com>, <myvisaluxuryhotels.com>,  
14 <visaluxuryhotelcollection.com>, <visainfinitehotels.com>, <visaplatinumhotels.com>,  
15 <kiwicollection.com>.

16 5. I have reviewed the Complaint and the exhibits attached to the Complaint. In the  
17 Complaint, Plaintiff, The Wave Studio, LLC (“Wave”) alleges that 45 images posted on one or  
18 more of the above-listed websites infringe copyrights allegedly owned by Wave.

19 6. After reviewing the Complaint, I directed Kiwi employees to conduct an  
20 investigation of Kiwi’s files and records to determine the source of the images The Wave Studio,  
21 LLC alleges have been infringed in this case. I directed and supervised the investigation.

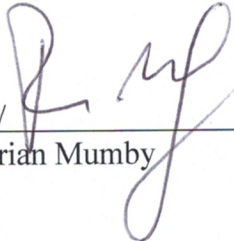
22 7. Through the investigation, Kiwi determined that, of the forty-five (45) images  
23 The Wave Studio, LLC alleges have been infringed in this action, it appears that forty-one (41)  
24 of those images (*i.e.*, 91%) were provided to Kiwi by General Hotel Management Ltd. (“GHM”),  
25 a Singapore-based company that specializes in managing and operating hotels in Southeast Asia.  
26 Attached hereto as Exhibit A is a true and accurate copy of the letter GHM provided to Kiwi  
27 when it provided Kiwi with CDs containing forty-one (41) of the images at issue in this case. Of  
28 the remaining images, it is possible that GHM also provided them to Kiwi, or that the hotels

DECLARATION OF BRIAN MUMBY

1 provided them directly to Kiwi, or that GHM directed and authorized Kiwi to obtain the images  
2 from Leonardo, a hotel image sharing service that had been used by Leading Hotels of the  
3 World, the company that managed and/or operated one or more of the hotels at issue before or  
4 after GHM. Kiwi, however, has not yet been able to confirm the source of these four (4) images.

5 I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct.

7 Executed on: May 18, 2015

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/s/  
Brian Mumby

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